

REMARKS/ARGUMENTS

Applicants submit this supplemental amendment under 37 CFR 1.116 in response to the Advisory Action dated 28 October 2005 and in response to a telephone conference with Examiner Harper on 10 November 2005. Attorney for Applicants thanks the examiner for his time in explaining that under 37 CFR 1.116(e) a showing of good and sufficient reasons why the affidavit is necessary and was not earlier presented is required. As such, this supplemental amendment provides such a showing and also presents amendments to clarify the invention.

Claim 16 has been amended to clarify the invention where Applicants' mistakenly used the wrong term. In an amendment dated 19 January 2005, Applicants' used the term "binding update" when the Applicants' meant to claim "binding update list." Support for a "binding update list" is found in many places in Applicants' specification, e.g. page 21, lines 2 and 17. Thus, no new matter has been added by this amendment. Further, new Claims 24 - 37 have been added. Support for the new claims is found in many places in Applicants' specification, e.g. page 21, lines 2 and 17, and in Applicants' drawings. Claims 16, 19, 20, and 24 - 37 remain in the application. Reconsideration of this application is respectfully requested in light of the above amendment.

Claims 16, 19 and 20 are rejected under 35 USC 103(a) as being unpatentable over Markki (US 2003/0117965) in view of Malki (US 2001/0046223). Applicants, however, strongly disagree and respectfully traverse the rejection.

First of all, Applicants herein submit the attached affidavit under 37 C.F.R. § 1.131 swearing behind the reference U. S. Patent Publication No. 2003/0117965 (Markki). The affidavit, including the attachment referenced therein, serves to establish conception in the United States of claimed subject matter in the present patent application and diligence to the filing of the present patent application on 27 February 2002 from a date prior to the effective date of the U. S. Patent Publication No. 2003/0117965 (Markki) which was filed in the United States on 14 November 2002 and has an effective date of 14 November 2001, and relied upon by the Examiner to support a rejection under 35 U.S.C. 103 in the Office Action dated 5 August 2005. As such, Applicants respectfully submit that the Claims 24 - 37 define patentable subject matter. Accordingly, Applicants respectfully request the withdrawal of the rejection of Claims 16, 19, and 20 and allowance of Claims 16, 19, 20, and 24 - 37.

As required by 37 CFR 1.116(e), a showing of good and sufficient reasons why the affidavit is necessary and why it was not earlier presented follows. The attached affidavit is necessary because the previously submitted arguments and corresponding amendments have not been successful in convincing the examiner that Applicants' claimed invention is patentable over the cited art. Thus, to remove the primary reference, namely Markki, the attached affidavit is required. Further, the attached affidavit was not earlier presented because Applicants felt that the previously submitted arguments and corresponding amendments would distinguish the present invention from the cited art and would be persuasive. As such, Applicants felt that the attached affidavit would not be necessary and did not submit it earlier.

Second of all, MPEP § 2141.03 requires that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). Contrary to the Examiner's statement that Markki in combination with Malki teach the limitations of Applicants' claimed invention, namely "maintaining a binding update list of one or more correspondent nodes that the mobile node has been communicating with" wherein the binding update list is maintained "when the mobile node is in a home network of the mobile node." The combination does not. Thus, the rejection is unsupported by the art and should be withdrawn.

Applicants have amended Claim 16 to clarify that the mobile node maintains "a binding update list of one or more correspondent nodes that the mobile node has been communicating with" wherein the binding update list is maintained "when the mobile node is in a home network of the mobile node." The Examiner has correctly identified that Markki does not specifically disclose the mobile node maintaining a binding list and uses Malki for this teaching. Office Action dated 5 August 2005, page 2. However, the Examiner cites paragraphs 54 and 55 of Malki for this teaching. In the cited paragraphs, Malki discloses sending "binding updates" and does not teach or suggest maintaining "a binding update list" as Applicants' claims require. As is known to one of ordinary skill in the art, sending "binding updates" are messages (namely communications) that are sent in the mobile network.

The limitation of "maintaining a binding update of one or more correspondent nodes that the mobile node has been communicating with" wherein the binding update list is maintained

"when the mobile node is in a home network of the mobile node" is not taught or suggested by the combination of Markki with Malki. Thus, because this claimed limitation is not taught or suggested by the prior art, Claim 16 is argued to be allowable over the prior art.

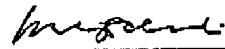
Further, since independent Claim 16 is argued to be allowable over the prior art, so too are the dependent claims, as they contain all the limitations of the independent claim from which they depend. Thus, the rejections of Claims 16, 19, and 20 are improper and should be withdrawn. Further, the newly added claims depend upon Claim 16 and should be allowable.

Please charge any fees associated herewith, including extension of time fees, to Deposit Account No. 502117.

Respectfully submitted,

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